

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2011

Lyle W. Cayce
Clerk

No. 11-10074
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DANNY COVINGTON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:10-CR-33-1

Before BENAVIDES, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Danny Covington presents arguments that he concedes are foreclosed by *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001), which rejected a Commerce Clause challenge to the felon-in-possession-of-a-firearm statute, 18 U.S.C. § 922(g), and *United States v. Dancy*, 861 F.2d 77, 81-82 (5th Cir. 1988), which held that a conviction under § 922(g) does not require proof that the defendant knew that the firearm in his possession had an interstate nexus and that he was a felon. In addition,

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Covington presents arguments that are foreclosed by *United States v. Rose*, 587 F.3d 695, 705-06 & n.9 (5th Cir. 2009), *cert. denied*, 130 S. Ct. 1915 (2010), which held that *Flores-Figueroa v. United States*, 129 S. Ct. 1886 (2009), did not alter the proof required in a § 922(g)(1) case. Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.